

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FROILAN CUEVAS,

Defendant.

8:13-CR-244

MEMORANDUM AND ORDER

This matter is before the Court on the defendant's Motion to Suppress (filing [73](#)) and the United States Magistrate Judge's Findings and Recommendation (filing [113](#)), recommending that defendant's motion to suppress be denied. The parties were given 14 days from the filing of the Findings and Recommendation to file any objections to the Magistrate Judge's decision. The Findings and Recommendation were filed on October 17, 2013, and no objection has been filed.

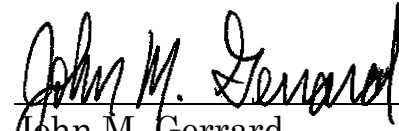
Tile [28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review only when a party objected to the Magistrate Judge's findings or recommendations. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as a waiver of the right to object from the district court's order adopting the recommendation of the finding of fact. [NECrimR 59.2\(e\)](#). The Magistrate Judge's order advised the parties that failure to object to the findings and recommendation may be held to be a waiver of the right to appeal the Court's adoption of the recommendation. See filing [113](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); see also *United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly, the Court will adopt the Findings and Recommendation waived, and any objection is deemed waived.

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (filing [113](#)) are adopted.
2. The defendant's Motion to Suppress (filing [73](#)) is denied.

Dated this 19th day of November, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge